



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Engelhardt, et al

Serial No. 10/717,140

Filed: November 18, 2003

Title: NOVEL PROCESS, CONSTRUCT AND  
 CONJUGATE FOR PRODUCING MULTIPLE  
 NUCLEIC ACID COPIES

Group Art Unit: Not yet  
 Prior application group: 1634

Examiner: Not yet known  
 Prior application examiner:  
 Arun Chakrabarti, Ph.D.

527 Madison Avenue, 9<sup>th</sup> Floor  
 New York, New York 10022  
 March 15, 2004

**FILED VIA EXPRESS MAIL**

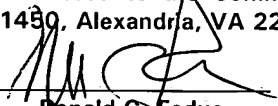
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 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**COMMUNICATION IN RESPONSE TO NOTICE TO COMPLY WITH  
 REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
 NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
 DISCLOSURES**

Dear Sirs:

This communication is in reference to the "Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" mailed on February 23, 2004 in connection with the above-identified patent application. A response to the February 23, 2004 Notice is due on April 23, 2004. Accordingly, this response is timely filed.

A copy of the aforementioned Notice is enclosed as Exhibit A.

| EXPRESS MAIL CERTIFICATE                                                                                                                                                                                                                                                                                         |                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| "Express Mail" Label No.:                                                                                                                                                                                                                                                                                        | <u>EV042709997US</u>         |
| Deposit Date:                                                                                                                                                                                                                                                                                                    | <u>March 15, 2004</u>        |
| I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.110 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |                              |
| <br>Ronald C. Fedus<br>Reg. No. 32,567                                                                                                                                                                                          | <u>MARCH 15 2004</u><br>Date |

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The Filing Receipt states that the aforementioned application is a Continuation of Patent Application Serial No. 10/206,031 filed July 25, 2002. This is not correct. Applicants inadvertently used the Application Serial No. 10/206,031 on their Request for Continuing Examination filed November 18, 2003.

The correct parent to this application is Application Serial No. 10/260,031, filed June 6, 2003, which is, in turn, a continuation of Application Serial No. 09/302,817 filed April 16, 1999, which is, in turn, a divisional of parent Application Serial No. 08/182,621, filed January 13, 1994.

Any inconvenience caused by this inadvertent error is sincerely regretted.

A Request for Corrected Filing Receipt is also being filed concurrently with this Communication to change the priority application claimed by the Applicants.

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A response to the February 23, 2004 Notice was filed in the parent application on December 22, 1994. The title of their December 22, 1994 paper was "Communication Directed to Notice to Comply with Sequence Rules." As the sequence listings in the parent application are identical to those in the instant application, Applicants respectfully request that the previously filed December 22, 1994 Communication be used to fulfill the sequence listing requirements in their instant application.

It is believed that no fee or fees are due in connection with this paper. In the event that any fee or fees are due, however, the Patent and Trademark Office is authorized to charge the amount of any such fee to Deposit Account 05-1135, or to credit any overpayment thereto.

Respectfully submitted,



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03-17-04



## UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/717,140         | 11/18/2003             | Dean L. Engelhardt    | Enz-52(C)(D3)          |

Ronald C. Fedus, Esq.  
 Enzo Life Sciences, Inc.  
 c/o Enzo Biochem, Inc.  
 527 Madison Avenue (9th Floor)  
 New York, NY 10022



CONFIRMATION NO. 7276

## FORMALITIES LETTER



\*OC000000011950531\*

Date Mailed: 02/23/2004

# NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer-readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Replies should be mailed to: Mail Stop Missing Parts  
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*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to be 'AB', is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE